

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

FILED

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CLERK US DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

BY                      DEPUTY

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In re: Whole Foods Market, Inc., Greek )  
Yogurt Marketing And Sales Practices )  
Litigation )  
\_\_\_\_\_)  
This Document Relates To All Cases )  
\_\_\_\_\_)

Case No. A-14-MC-2588-SS  
[MDL No. 2588]

84 ~~PROPOSED~~ **ORDER GRANTING JOINT MOTION FOR APPOINTMENT OF  
PLAINTIFFS' LEADERSHIP STRUCTURE**

By Order of March 10, 2015, the Court directed the parties to file a proposed organizational structure, including candidates for lead and liaison counsel, no later than seven business days prior to the initial conference, or June 16, 2015. Pretrial Order No. 1, Doc. 3, ¶ 3(c)(iv). Before the Court is a Joint Motion submitted by various counsel for plaintiffs who represent to the Court that they have reached a consensus among the vast majority of the plaintiffs regarding a leadership structure for the above-referenced cases. Having considered all timely submissions in light of criteria set forth in Pretrial Order No. 1 (Doc. 3, ¶ 3(c)(iv)), the Manual for Complex Litigation, and Fed. R. Civ. P. 23(g), the Court hereby appoints the following leadership for plaintiffs:

1. **Liaison Counsel Representing Plaintiffs:**

Steven A. Gibbins  
Law Office of Steve Gibbins  
1411 West Avenue, Suite 200  
Austin, TX 78701

2. **Duties of Plaintiffs' Liaison Counsel:** Liaison Counsel for plaintiffs shall have the following responsibilities:

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- a. Communicate with the Court, on behalf of Lead Counsel, concerning scheduling and other administrative matters;
- b. Maintain an up-to-date, comprehensive service list and promptly advise the Court and defendants' counsel of changes to plaintiffs' service list;
- c. Receive and distribute to plaintiffs' counsel, as appropriate, Orders, notices, and correspondence from the Court, to the extent such documents are not electronically filed; and
- d. Receive and distribute to plaintiffs' counsel, as appropriate, discovery, pleadings, correspondence, and other documents from defendants' counsel that are not electronically filed.

3. **Co-Lead Counsel Representing Plaintiffs:**

William H. Anderson  
Cuneo Gilbert & LaDuca, LLP  
507 C Street, NE  
Washington, DC 20002

Tina Wolfson  
Ahdoot & Wolfson, PC  
1016 Palm Avenue  
West Hollywood, CA 90069

Stephen P. DeNittis  
DeNittis Osefchen, P.C.  
5 Greentree Centre  
525 Route 73 North, Suite 410  
Marlton, NJ 08053

4. **Duties of Plaintiffs' Co-Lead Counsel:** Co-Lead Counsel for plaintiffs shall have the following responsibilities:

a. Direct and manage pretrial proceedings on behalf of all plaintiffs, including the briefing and argument of motions and the conduct of all types of discovery proceedings;

b. Delegate work responsibilities to other plaintiffs' counsel, and monitor the activities of all plaintiffs' counsel to assure that plaintiffs' pretrial preparation is conducted effectively, efficiently, and economically, that schedules are met, and that unnecessary expenditures of time and expense are avoided;

c. Consult with and employ consultants or experts, as necessary;

d. Manage the litigation and fund the necessary and appropriate costs of discovery and other common benefit efforts, including the maintenance of a plaintiffs' document depository (*see* Manual for Complex Litigation, *Fourth*, section 40.261);

e. Coordinate settlement discussions or other dispute resolution efforts on behalf of plaintiffs, under the Court's supervision, if and as appropriate;

f. Enter into stipulations with other parties as necessary for the conduct of the litigation;

g. Prepare and distribute to the parties periodic status reports;

h. Maintain adequate time and disbursement records covering services as appointed counsel; and

i. Perform such other duties as may be incidental to proper coordination of plaintiffs' pretrial activities or as authorized by further Order of the Court.

5. Co-Lead Counsel are also hereby designated as Co-Interim Class Counsel pursuant to Rule 23(g) to "act on behalf of a putative class before determining whether to certify the action as a class action." Fed. R. Civ. P. 23(g)(3).

SO ORDERED, this 25<sup>th</sup> day of June, 2015

  
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Sam Sparks  
United States District Judge